

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LEROY BOND,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

18-cv-212-jdp
15-cr-01-jdp

On March 27, 2018, I dismissed petitioner LeRoy Bond's motion for postconviction relief under 28 U.S.C. § 2255, and I denied him a certificate of appealability. Dkt. 3. Bond then filed a notice of appeal that I construed as including a motion for leave to proceed *in forma pauperis* on appeal. I denied that motion because I concluded that he appeal was not taken in good faith. Dkt. 9. Now Bond has filed a motion for reconsideration of that decision, stating that the Prison Litigation Reform Act does not apply to his § 2255 motion, and that his claim is not factually frivolous. Dkt. 10.

Bond is correct that the PLRA does not apply to these proceedings, but I did not rely on the PLRA in denying him *in forma pauperis* status. The good-faith requirement applies to his § 2255 appeal as it would for any appeal. *See* Fed. R. App. P. 24(a)(3); *Walker v. O'Brien*, 216 F.3d 626, 631 (7th Cir. 2000) ("If neither [habeas] appeal were taken in good faith, then this fact would independently preclude Walker and Finfrock from proceeding IFP regardless of whether the PLRA applied and they would be obligated to pay the full filing fee immediately."). Also, nothing in his motion persuades me that I was incorrect in concluding that his § 2255 motion was untimely and that it did not state a plausible claim for ineffective assistance of counsel. Therefore, I will deny his motion for reconsideration of my denial of *in forma pauperis*

status. As I stated in my previous order, Bond remains free to raise this issue with the court of appeals.

ORDER

IT IS ORDERED that petitioner LeRoy Bond's motion for reconsideration, Dkt. 10, is DENIED.

Entered May 4, 2018.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge